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Attorneys for Certain Defendants

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

LAC VIEUX DESERT BAND OF LAKE  
SUPERIOR CHIPPEWA INDIANS HOLDINGS  
MEXICO, LLC, a Corporate Enterprise of the Lac  
Vieux Desert Band of Lake Superior Chippewa  
Indians, a federally recognized Indian Tribe,

Plaintiff,

vs.

ARTURO ROJAS CARDONA, an individual;  
JUAN JOSE ROJAS CARDONA, an individual;  
JUEGOS DE ENTRETENIMIENTO Y VIDEOS  
DE GUADALUPE, SOCIEDAD DE  
RESPONSABILIDAD LIMITADA DE CAPITAL  
VARIABLE, a Mexico Limited Liability Company;  
ENTRETENIMIIENTO DE MEXICO, SOCIEDAD  
ANONIMA DE CAPITAL VARIABLE, a Mexico  
Registered Corporation; and ATLANTICA DE  
INVERSIONES CORPORATIVAS, SOCIEDAD  
ANONIMA DE CAPITAL VARIABLE, a Panama  
Registered Corporation; JUEGOS DE  
ENTRETENIMIENTO Y VIDEOS DE  
MONTEREY, SOCIEDAD DE  
RESPONSABILIDAD LIMITADA DE CAPITAL  
VARIABLE, a Mexico Limited Liability Company;  
ATLICO USA, LLC, a Nevada Corporation; E-  
MEX HOLDINGS, LLC, a Nevada Corporation;  
ESCOBEDO RECREATION HOLDINGS, LLC, a  
Nevada Corporation; GUADALUPE  
RECREATION HOLDINGS, LLC, a Nevada  
Corporation; MATAMORAS RECREATION  
HOLDINGS, LLC, a Nevada Corporation;  
REYNOSA RECREATION HOLDINGS, LLC, a  
Nevada Corporation; SAN LUIS POTOSI  
RECREATION HOLDINGS, LLC, a Nevada  
Corporation; SAN PEDRO RECREATION

Case No.

**NOTICE OF REMOVAL  
TO  
FEDERAL DISTRICT COURT**

HOLDINGS, LLC, a Nevada Corporation;  
XOCHIPILLI, LLC a Nevada Corporation; XYZ  
CORPORATIONS, I-X and DOES, I-X,

Defendants.

NOW INTO COURT, through undersigned counsel, come Defendants Atlico USA, L.L.C., E-Mex Holdings, L.L.C., Escobedo Recreation Holdings, L.L.C., Guadalupe Recreation Holdings, L.L.C., Matamoras Recreation Holdings, L.L.C., Reynosa Recreation Holdings, L.L.C., San Luis Potosi Recreation Holdings, L.L.C., San Pedro Recreation Holdings, L.L.C., and Xochipilli, L.L.C., who, pursuant to 28 U.S.C. § 1332, 28 U.S.C. § 1441(a), and in accordance with 28 U.S.C. § 1446, hereby remove that certain litigation of the same name, No. CV2008-090935 on the docket of the Superior Court of the State of Arizona in and for the County of Maricopa (“the lawsuit”), to the United States District Court for the District of Arizona, and, to the extent required, reserves any and all rights, objections, and defenses. In support of their Notice of Removal, defendants show unto this Court as follows:

1. On April 18, 2008, Plaintiff Lac Vieux Desert Band of Lake Superior Chippewa Indians Holdings Mexico, LLC (“LVDHM”) filed a Complaint against Defendants in the Superior Court of the State of Arizona in and for the County of Maricopa, bearing Case No. CV2008-090935.
2. On May 2, 2008, LVDHM filed an amended complaint in the same proceeding alleging claims for breach of contract, conversion, breach of fiduciary duty, fraud, breach of the implied covenant of good faith and fair dealing, constructive trust, and piercing the corporate veil.

- 1           3.     The original Complaint was never served on any Defendants.
- 2           4.     The Amended Complaint was served upon Bart Masi, as registered agent for
- 3                 the above named Defendants, on May 10, 2008.
- 4           5.     A copy of all process, pleadings, and orders served upon Defendants in the
- 5                 state court action and known to Defendants to be in the state court records
- 6                 are attached hereto as Exhibit A<sup>1</sup>.
- 7           6.     Because this Notice of Removal has been filed within thirty (30) days of
- 8                 May 10, 2008, this Notice of Removal is timely filed pursuant to 28 U.S.C.
- 9                 § 1446(b).
- 10          7.     The amount in controversy exceeds the \$75,000 jurisdictional minimum, as
- 11                 illustrated in Plaintiff's Complaint.
- 12          8.     The claim is a civil action to which this Court has original jurisdiction under
- 13                 28 U.S.C. § 1332, and Defendants are entitled to remove the action to this
- 14                 Court pursuant to 28 U.S.C. § 1441(a) in that:
- 15                 a.     Plaintiff is a Corporate Enterprise formed under the tribal laws of the
- 16                         Lac Vieux Desert Band of Lake Superior Chippewa Indians, a
- 17                         federally recognized Indian Tribe, such tribal corporate entity being a
- 18                         citizen of Michigan;
- 19                 b.     Defendant Atlico USA, L.L.C. is a limited liability company formed
- 20                         under the laws of Nevada and whose sole member is a citizen of
- 21                         Mexico;
- 22                         Mexico;
- 23                         Mexico;
- 24                         Mexico;
- 25                         Mexico;
- 26                         Mexico;
- 27                         Mexico;
- 28                         Mexico;

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<sup>1</sup> **HARD COPIES OF THE EXHIBITS TO THIS NOTICE ARE BEING HAND DELIVERED TO THE COURT DUE TO THE VOLUMINOUS QUANTITY.**

- c. Defendant E-Mex Holdings, L.L.C., is a limited liability company formed under the laws of Nevada and whose sole member is a citizen of Mexico;
- d. Defendant Escobedo Recreation Holdings, L.L.C. is a limited liability company formed under the laws of Nevada and whose members are citizens of Mexico;
- e. Defendant Guadalupe Recreation Holdings, L.L.C. is a limited liability company formed under the laws of Nevada and whose members are citizens of Mexico;
- f. Defendant Matamoras Recreation Holdings, L.L.C. is a limited liability company formed under the laws of Nevada and whose members are citizens of Mexico;
- g. Defendant Reynosa Recreation Holdings, L.L.C. is a limited liability company formed under the laws of Nevada and whose members are citizens of Mexico;
- h. Defendant San Luis Potosi Recreation Holdings, L.L.C. is a limited liability company formed under the laws of Nevada and whose members are citizens of Mexico;
- i. Defendant San Pedro Recreation Holdings, L.L.C. is a limited liability company formed under the laws of Nevada and whose members are citizens of Mexico;

1           j. Defendant Xochipilli, L.L.C. is a limited liability company formed  
2                           under the laws of Nevada and whose sole member is a citizen of  
3                           Mexico;

4  
5           k. Upon information and belief, there is diversity of citizenship between  
6                           the parties; and

7           l. The matter in controversy exceeds \$75,000 exclusive of interest and  
8                           costs.

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10          9. Pursuant to Rule 7.1 of the Federal Rules of Civil Procedure, two copies of  
11                           the removing Defendants' Corporate Disclosure Statement is attached hereto  
12                           as Exhibit B.

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14          10. The United States District Court for the District of Arizona is the federal  
15                           district embracing the Superior Court of the State of Arizona in and for the  
16                           County of Maricopa, where the suit was originally filed. Venue, therefore,  
17                           is proper in this District under 28 U.S.C. § 1441(a).

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19          11. A copy of this Notice of Removal has been filed with the Clerk of Court for  
20                           the Superior Court of the State of Arizona in and for the County of  
21                           Maricopa, as provided by law, and is being served upon known counsel of  
22                           record for Plaintiff. A copy of the Notice filed with the Clerk of Court for  
23                           the Superior Court of the State of Arizona in and for the County of  
24                           Maricopa is attached hereto as Exhibit C.

25  
26          12. Defendants' time to answer or to move with respect to Plaintiff's Complaint  
27                           has not expired. Pursuant to Rule 81(c) of the Federal Rules of Civil  
28

1 Procedure, Defendants must “file an answer or present other defenses or  
 2 objections available under [the Federal Rules] within . . . 20 days after  
 3 receiving - through service or otherwise - a copy of the initial pleading . . .  
 4 or within 5 days after the notice of removal is filed,” whichever period is  
 5 longer. Defendants intend to request a jury trial and will do so in their  
 6 responsive pleadings.  
 7

- 8  
 9 13. Defendants certify by signature of undersigned counsel, pursuant to Federal  
 10 Rule of Civil Procedure 11, that to the best of his knowledge, information,  
 11 and belief, formed after reasonable inquiry, the bases for removal are  
 12 justified.  
 13

14 WHEREFORE, Defendants Atlico USA, L.L.C., E-Mex Holdings, L.L.C.,  
 15 Escobedo Recreation Holdings, L.L.C., Guadalupe Recreation Holdings, L.L.C.,  
 16 Matamoras Recreation Holdings, L.L.C., Reynosa Recreation Holdings, L.L.C., San Luis  
 17 Potosi Recreation Holdings, L.L.C., San Pedro Recreation Holdings, L.L.C., Xochipilli,  
 18 L.L.C. respectfully request that Case No. CV2008-090935, currently pending in the  
 19 Superior Court of the State of Arizona in and for the County of Maricopa, be removed to  
 20 the United States District Court for the District of Arizona.  
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22  
 23 RESPECTFULLY SUBMITTED this 6<sup>th</sup> day of June, 2008.

24 ALVAREZ & GILBERT, PLLC

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3 COPY of the foregoing mailed\*/  
4 hand delivered \*\* this 6<sup>th</sup> day of  
5 June 2008 to:

6 Robert A. Rosette, Esq.\*  
7 Steve M. Bodmer, Esq.\*  
8 ROSETTE & ASSOCIATES, pc  
9 565 W. Chandler Blvd, Suite 212  
10 Chandler, AZ 85225  
11 Attorneys for Plaintiff

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By /s/ Randy A. McCaskill